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09/812,296	03/20/2001	Ted R. Rittmaster	GTUS03	2288

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EXAMINER
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3688

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

1. This Office Action is responsive to the correspondence filed 05/15/2006. Claims 1-18 were pending. Claims 19-39 are added. Claims 2-7 and 9-18 are cancelled. Thus claims 1, 8, and 19-39 are pending. Claims 1 and 8 are amended. Claims 1, 35, and 38 are independent. (This application claims priority from Provisional Application 60191003, filed 03/21/2000).

#### ***Restriction by Original Presentation***

2. Newly amended or new independent claims 1, 35, and 38 are directed to an invention that is independent or distinct from the inventions originally claimed for the following reasons: In the instant case, original Claims 1-18 presented two inventions, inventions I and II as follows:

**a) Invention I is all previous claim 1 and its dependents .**

**Representative previous independent claim 1 (steps a, b) etc.. and bold emphasis are added for clarity) reads:**

1. A method for controlling the distribution of information from an information provider processor to a plurality of recipient processors on a communications network, based on the geographic locations of the recipient processors the method comprising:

- a) associating a respective positioning system with each respective recipient processor;
- b) receiving location information from the positioning system associated with a given recipient processor, the location information corresponding to the general geographic location of the given recipient processor;
- c) determining, from the location information, whether the geographic location of the given recipient processor is within a predefined location or region;
- d) requiring additional information before providing the given recipient processor with**

**access to first information** in the event that the given recipient processor is determined to be within the predefined location or region.

Thus Invention I is directed mainly to a system and method for providing **access to information based on a determined location of recipient processors and other required information received from recipient processors.**

**b) Invention II is all previous claim 10 and its dependents.**

**Representative previous independent claim 10 (steps a) , b) etc.. and bold emphasis are added for clarity) reads:**

10. A method for controlling the distribution of displayable content to a plurality of recipient processors, including first and second recipient processors, on a communications network, the method comprising:

- a) associating a respective positioning system with each respective recipient processor;
- b) associating a large format, electronic display device with each respective recipient processor;
- c) locating each display device in a location viewable from an area in which a large number of people are expected to inhabit or pass;
- d) communicating first displayable content over the network to the first recipient processor and communicating second displayable content over the network to the second recipient processor, the first displayable content corresponding to business establishments in the vicinity of the display device associated with the first recipient processor and the second displayable content corresponding to business establishments in the vicinity of the display device associated with the second recipient processor, wherein the first displayable content is different from the second displayable content.

Thus Invention II is directed mainly to a system and method for communicating first displayable content to a first recipient processor associated with a large display device and communicating second displayable content to the second recipient processor, associated with another large display device (step c), wherein first displayable content are different (based on the location of the processor or its associated display). In sum invention II is directed to displaying content based on location of large display devices.

**c) Invention III is all instant pending claims:**

**Representative instant claim 1 reads(steps a) , b) etc.. and bold emphasis are added for clarity):**

1. A method for controlling the distribution of information from an information provider processor to a plurality of recipient processors on a communications network, based on the geographic locations of the recipient processors, each recipient processor being associated with a respective processor means for providing a position signal, the position signal including location data corresponding to the location or region in which the means for providing the position signal is located, the method comprising:

**a) receiving a request for content from a given recipient processor**

**b) providing the requested content in combination with access**

**controls** from the information provider, the access controls configured to inhibit access by a recipient processor, in the event that the recipient processor is not located in at least one expected location, wherein the given recipient processor is controlled to obtain a position signal from its associated means for providing a position signal and to employ the location data in a procedure with the access controls to attempt to access the requested content.

Thus currently amended claim 1 and claims 35 and 38 are directed to methods and systems for providing , (in response to a request for content), “access controls” to recipient

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processors, in combination with the content, which “access controls” control access to requested content based on a determined location of the recipient processors.

3. Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination (i.e. providing “access controls” in combination with content, in response to a request for content) as claimed because other additional information can be used to permit access to content such as user passwords. In other words, Invention III’s focus is providing “access controls” in combination with the content, which is completely different from Invention I of “providing access” to content. (New claim 35 clearly shows that the focus of the invention is controlling the recipient processors, to employ their determined position signals in a procedure with the “access controls” to access the requested content). The subcombination (invention III) (i.e. providing “access controls” in combination with content, in response to a request for content) has separate utility such as usable in other context than providing content based on location. (Further inventions I and III are distinct because as claimed they have a materially different design, mode of operation, function, or effect such as invention III requires providing access controls to recipient processors while invention I does not so require).

4. Inventions II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination (i.e. providing “access controls” in combination with content, in response to a request for content) as claimed because no additional information is claimed in invention II as needed to present the

content. The subcombination (i.e. providing “access controls” in combination with content, in response to a request for content) has separate utility such as usable in other context than in the context of Invention II’s of displaying different content to different large display devices, for example in small display devices context.

**5. Since applicant has received an action on the merits for the originally presented inventions I and II, invention I and II have been constructively elected by original presentation for prosecution on the merits. Accordingly, all pending claims ( Invention III) are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.**

**Thus the amendment in effect cancels all claims drawn to the elected invention (Inventions I and II) and presents only claims drawn to a non-elected invention (Invention III) and thus is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention as explained above.**

### ***Conclusion***

6. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday, Wednesday, and Friday 9:00-6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner’s supervisor, James W. Myhre can be reached on 571-272-6722. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular

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communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314)..

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh H. Le/  
Examiner, Art Unit 3688  
November 6, 2008

/James W Myhre/  
Supervisory Patent Examiner, Art Unit 3688